

Office of Law Enforcement

Vessel Monitoring Systems Type-Approval Implementation Requirements (RIN 0648-BD02)

This document serves as the small entity compliance guide to inform all affected entities of the requirements set forth in the final rule published by NOAA Fisheries to implement Vessel Monitoring Systems type-approval requirements and how affected entities should comply with the newly implemented regulations. Frequently asked questions are provided and responded to, and flow charts are provided for each of the processes established in the Final Rule.

Frequently Asked Questions & Answers

1. What is the purpose of the final rule?

The final rule codifies the existing type-approval requirements giving firmer notice of the type-approval requirements and a stronger basis to enforce compliance.

2. Who is affected by the final rule?

The rule targets vendors of onboard mobile transceiver units and/or the associated mobile communications services. Fishers will benefit from better enforcement of the vendors' responsibilities to support the fishers' reporting requirements.

3. What is the impact to fishers if a type-approval is revoked?

NOAA Fisheries' Vessel Monitoring System reimbursement program is designed to assist fishermen with the purchase of new mobile transceiver units, subject to certain restrictions. Under the final rule, if a type-approval is revoked, NOAA Fisheries would provide reimbursement to eligible fishermen, subject to the availability of funds.

4. How long would NOAA give fishers to install a new type-approved mobile transceiver unit in the event the type-approval for their existing unit is revoked?

NOAA will handle each type-approval revocation on a case-by-case basis and provide notice to impacted vessel owners on when a revocation will become effective (between 60-90 days from notice date) and what next steps vessel owners should take. NOAA recognizes that vessel owners need time to purchase and install new type-approved mobile transceiver units.

5. How often will vendors of electronic monitoring transceiver units have to renew their type-approval?

Vendors are required to renew their type-approval every three years. This time frame provides adequate time for vendors to comply with the rule while minimizing burden.

6. Why did NOAA Fisheries change the Greater Atlantic Regional Fisheries Office regulations?

In order to streamline the type-approval process and the revocation process, and to establish more continuity in compliance monitoring, the [Greater Atlantic Region's current regulations](#) have been matched to those in the rule. This will eliminate the possibility of duplicate, overlapping, or conflicting Federal regulations. In addition, NOAA Fisheries' Vessel Management System Headquarters office will coordinate the type-approval process for each U.S. region.

7. If a type-approval is revoked for a specific fishery or region, how will that impact other regions and fisheries?

Type-approval revocation in one fishery or region should not impact other areas. If a mobile transceiver unit is not maintaining its type-approval requirements in one area only, then NOAA's Office of Law Enforcement will only remove type-approval for that area. The mobile transceiver unit could continue to operate in other regions and fisheries.

Process for Initial Type-Approval (T-A) Application by Vendor

Requestor submits written request for T-A and two EMTUs per region (specifying which regions and fisheries)

NMFS OLE tests the EMTUs within 90-days

NMFS OLE generally approves or disapproves EMTU

~90 days

Disapproved

Approved

Letter of disapproval sent to requestor

Letter of type approval (w/date) sent to requestor

Requestor responds with additional information within 21 days of Disapproval Letter?

Publish FR Notice w/T-A.
Post T-A to OLE VMS website.

~21 days

No

Yes

Approved

~28 days

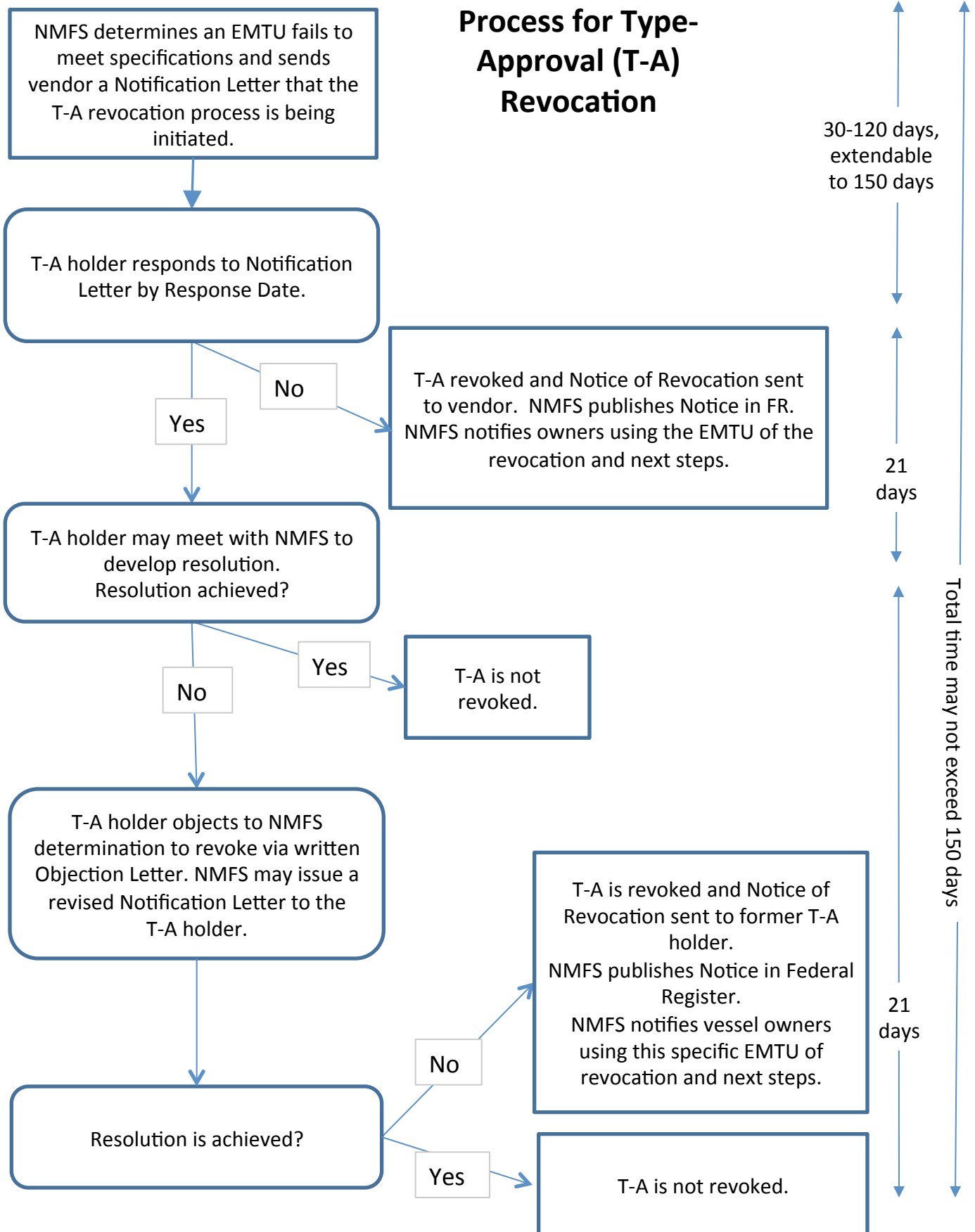
Application Denied

NMFS OLE approves or disapproves EMTU

Disapproved

Letter of type disapproval sent to requestor

Process for Type-Approval (T-A) Revocation



Process for Appealing Type- Approval (T-A) Revocation

Vendor files appeal of T-A
revocation with NMFS Office of
Law Enforcement within 14
days of the Revocation Letter.
Vendor supplies supporting
documentation.

14 days

NMFS Assistant Administrator
may affirm, vacate, or modify
the Revocation Letter. This
constitutes final Agency action

21 days

Process for Type-Approval (T-A) Renewal

